IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

WP(C).No. 16842 of 2007(E)

PETITIONER:

CHINNAMMA THOMAS, W/O.LATE K.M.THOMAS,
VALAMANGALAM SOUTH,THURAVOOR,CHERTHALA.

BY ADV. SRI.M.C.CHERIAN
SRI.M.A.THOMAS KUTTY
SMT.SARAMMA CHERIAN
SMT.ASHA CHERIAN
SRI.P.M.SANEER

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
SECRETARY, HIGHER EDUCATION DEPARTMENT,
THIRUVANANTHAPURAM.

2. THE DEPUTY DIRECTOR OF COLLEGIATE
EDUCATION,ERNAKULAM.

3. THE PRINCIPAL,NIRMALA COLLEGE,
MUVATTUPUZHA.

4. SREE SANKARACHARYA UNIVERSITY OF
SANSKRIT, KALADY, REPRESENTED BY ITS REGISTRAR.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE
SRI.K.ANAND, SC, SREESANKARA UNIVERSITY.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 05/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.16842 OF 2007

Dated this the 5th day of June, 2007

JUDGMENT

Petitioner's husband died in harness while he was working as Reader in Sree Sankaracharya University of Sanskrit at Kalady. Before he joined the University, he was working as Selection Grade Lecturer in Nirmala College at Muvattupuzha.

2. The grievance of the petitioner is that arrears of pay and revised pensionary benefits which her late husband was entitled to get consequent on implementation of UGC scheme, have been denied to her. Petitioner has given the service particulars of her late husband in the writ petition which I do not propose to deal with at this stage. In response to a request made by the petitioner through the Principal of the College where the late husband of the petitioner had worked initially before his appointment in the University (respondent no.4) it has been informed that the 'revised pension papers with the new pay fixation counting the period of service' can be forwarded to the Accountant General, Thiruvananthapuram for revising the family pension. Along with the above communication a copy of which is on record as Ext.P5, respondent no.4 had returned the arrear bill

and service book to the Principal of the College. It appears that respondent no.4 has taken the above view in Ext.P5 communication since the pay of the late husband of the petitioner had been approved by the Deputy Director of Education, Ernakulam in terms of the entries in his service book. Petitioner's service in the University had been treated as on deputation in the light of G.O.(Rt)No.1132/99.H.Edn. dated 07-10-1999 as indicated in Ext.P5. In this order, the Government had made it clear that teachers like petitioner's late husband would not be eligible to 'back arrears'. Therefore, the University/respondent no.4 was justified in directing the Principal to advise the petitioner to approach the Accountant General or such other appropriate authority for necessary revision. Petitioner has not chosen to do that. She has rushed to this court instead of approaching the authority.

3. In that view of the matter, I do not find any reason to interfere with Ext.P6 communication received from the Deputy Director of Education, respondent no.2 who has only reminded the petitioner that period of deputation spent by petitioner's husband

would not be eligible for the benefits revised UGC Scheme. I do not find any merit in the contentions raised by the petitioner. It will be open to the petitioner to approach the appropriate authority, if so, advised.

Writ petition fails and it is accordingly dismissed.

A.K.BASHEER, JUDGE

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